

GUTRIDE SAFIER REESE LLP
Adam J. Gutride (Cal. State Bar No.181466)
Seth A. Safier (Cal. State Bar No. 197427)
835 Douglass Street
San Francisco, California 94114
Telephone: (415) 271-6469
Facsimile: (415) 449-6469

Counsel for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DOE, Individually And On Behalf Of All Others
Similarly Situated,

Plaintiff,

VS.

NETWORK SOLUTIONS, LLC
Defendant.

) Case No. 07-5115 JSW

) DECLARATION OF PLAINTIFF IN
) OPPOSITION TO DEFENDANT'S
) MOTIONS TO DISMISS (REDACTED)

) JUDGE: Hon. Jeffery S. White
) DATE: Jan. 25, 2008
) TIME: 9:00 am
) CTRM: 2

1 I, **REDACTED**, declare and state that:

2 The below information is stated on personal knowledge. I am competent to testify to the
3 facts set forth below, and if called as a witness and placed under oath, I would testify to those
4 facts.

5 1. To the best of my recollection, other than a stop-over at Dulles International
6 Airport on unrelated travel, I have never been to the Commonwealth of Virginia.

7 2. In or around the summer of 2003, I registered Nexus Holdings, Inc. as a fictitious
8 business name with the Office of the County Clerk, San Francisco County. Since that time, I
9 have not registered it with any other state or federal agency.

10 3. In or around October of 2003, I registered the domain name
11 "www.nexusholdings.com" with Network Solutions by visiting the Network Solutions website at
12 www.networksolutions.com. To the best of my recollection, I registered the domain name from
13 my personal computer in San Francisco, California and paid the associated fee with my personal
14 credit card. The total domain name registration process likely took me no more than 10 minutes.

15 4. To the best of my recollection, I have not once telephoned or emailed Network
16 Solutions.

17 5. On several occasions, I have received an email from Network Solutions informing
18 me that the nexusholdings.com domain name must be re-registered. On each occasion, I have
19 clicked a hyper-link and re-registered that domain name using my personal credit card. I
20 estimate that the total re-registration process also took no more than a few minutes. Prior to re -
21 registering the above domain name in October 2007, I was reassured that the problems that led to
22 the publication of my email account had been fixed. I also opened another email account that
23 was not operated by Network Solutions.

24 6. To the best of my recollection, I have never read or been presented with the
25 Network Solutions Service Agreement, nor have I ever clicked on any hyperlink to that
26 agreement.

27 7. When I registered (and re-registered) for my domain name, I did not see or read
28 any provision in the Network Solutions Service Agreement that purports to establish that

1 disputes between me and Network Solutions would be subject to Virginia law or need to be
2 brought in Virginia courts. In any event, at no time did I intend to submit to Virginia jurisdiction
3 or Virginia law.

4 8. When I registered (and re-registered) for my domain name, I did not see or read
5 any provision in the Network Solutions Services Agreement that purports to waive any rights
6 (such as the right to jury trial) or limit any remedies. In any event, at no time did I intend to
7 waive my right to a jury. Nor did I intend to waive any other right or remedy.

8 I declare under penalty of perjury under the laws of the State of California, and the
9 United States, that the foregoing is true of my own personal knowledge. Executed at Menlo
10 Park, California, this 14th day of December 2007.

11 REDACTED
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28